

### **REMARKS**

The application has been reviewed in light of the Office Action mailed September 29, 2005. At the time of the Office Action, claims 1-33 were pending in this application. Claims 1-33 were rejected. In this response, claim 1 and 27 are amended. Claim 1-33 are pending.

#### **Rejections of the Claims under 35 U.S.C. § 102**

Claims 1-33 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Durbin, U.S. Patent No. 6,360,185 B1 (“Durbin”). The Office Action did not point out where in Durbin any of the elements of any of the claims were found. Claim 1 requires “**one or more balers** at one or more of the locations, each baler adapted to produce a bale.” Claims 2-15 depend from claim 1. Claim 16 requires “**aggregating material into a bale in a baler.**” Claims 17-26 depend from claim 16. Claim 27 is directed to “**[a] baler** adapted to prepare a bale of recyclable material.” Claims 28-33 depend from claim 27. Applicant is unable to locate, and the Examiner has failed to cite, any mention of a baler in Durbin. Durbin, therefore, fails to disclose each limitation of the claims. Applicant requests that this rejection be withdrawn.

Claim 1-5 and 8 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Schrag et al., U.S. Patent No. 4,742, 880 (“Schrag”). The Office Action cited column 4, lines 30-67 and column 14, lines 32-61 as disclosing the limitations of these claims. Claim 1, as amended, requires “one or more weight measurement devices in communication with one or more balers, each weight measurement device adapted to **determine the weight of a bale within one of the one or more balers.**” Schrag, by contrast, discusses “[b]ales emanating from the discharge end of a baler are received on an accumulating trailer provided with a weighing scale that . . . determines the weight of certain of the successively issuing bales.” Schrag, Abstract.

Applicant is unable to locate, and the Office Action does not cite any portion of Schrag that discusses determining the weight of a bale within a baler. Schrag, therefore, does not disclose each limitation of Claim 1 and dependent claims 2-5 and 8. Applicant requests that this rejection be withdrawn.

Claim 1 and 3-33 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Dorge et al., U.S. Patent No. 6,378,276 B1 (“Dorge”). The Office Action cited column 4, lines 1-50 as disclosing the limitations of these claims.

Claim 1, as amended, requires, in part, “one or more balers at one or more of the locations, each baler adapted to produce a bale and each baler including a compression plate.” Applicants are unable to locate any discussion of a compression plate in Dorge. Claim 3-15 depend from claim 1 and are similarly not anticipated by Dorge. Applicant requests that the rejection of claims 1 and 3-15 be withdrawn

Claim 16 requires, in part, “determining when the baler will reach a target fullness based on baler usage.” Applicants are unable to locate any discussion of this in Dorge. Dorge therefore fails to disclose each limitation of claim 16. Claims 17-26 depend from claim 16. Applicant requests that the rejection of claims 16-26 be withdrawn.

Claim 27 requires, in part, “a compression plate in communication with a piston, the compression plate and piston adapted to compact material in the baler.” Applicants are unable to locate any discussion of a compression plate or a piston in Dorge. Dorge therefore fails to teach each limitation of claim 27. Claims 28-33 depend from claim 27. Applicant requests that the rejection of claim 27-33 be withdrawn.

Claim 1-5 and 8, 27, 30, and 33 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Pritchard, U.S. Patent No. 5,384,436 (“Pritchard”). The Office Action cited column 5, lines 1-56 as disclosing the limitations of these claims. Claim 1, as amended, requires, in part, “one or more weight measurement devices in communication with one or more balers, each weight measurement device adapted to **determine the weight of a bale within one of the one or more balers.**” Pritchard, by contrast, discusses “a system for weighing the bales which includes a bale-receiving structure coupled to the baler for receiving the bales discharged from the baler and a controller for reading out and adjusting a bale-weight-indicative signal.” Pritchard, column 2, lines 21-25. Applicant is unable to locate, and the Office Action does not cite any portion of Pritchard that discusses determining the weight of a bale **within** the baler. Pritchard, therefore, does not disclose each limitation of Claim 1 and dependent claims 2-5 and 8. Applicant requests that this rejection be withdrawn.

Claim 27, as amended, requires, in part, “a compression plate in communication with a piston, the compression plate and piston adapted to compact material in the baler; [and] one or more sensors for measuring one or more quantities related to the weight of the bale in the baler, the sensors in communication with the baler.” As discussed above with respect to Claim 1, Pritchard does not discuss measuring the weight of the bale in the baler. Furthermore, Applicants are unable to locate any discussion of a compression plate or a piston in the cited portion of Pritchard. Pritchard, therefore, fails to disclose each limitation of claim 27. Claims 30 and 33 depend from claim 27, and are similarly not anticipated by Pritchard. Applicant requests that this rejection be withdrawn.




**SUMMARY**

In light of the above remarks Applicant respectfully submits that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone or facsimile.

Applicant believes that there are no fees due in association with the filing of this Response. However, should the Commissioner deem that any fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefore, and direct that any and all fees due are charged to Baker Botts L.L.P. **Deposit Account No. 02-0383, Order Number 016093.0117.**

Respectfully submitted,  
BAKER BOTTS L.L.P. (023640)

By:   
Bradley S. Bowling  
Reg. No. 52,641  
One Shell Plaza  
910 Louisiana Street  
Houston, Texas 77002-4995  
Telephone: 713.229.1802  
Facsimile: 713.229.7702  
E-Mail: brad.bowling@bakerbotts.com  
ATTORNEY FOR APPLICANT

December 29, 2005